

JUDGE DAVID BRIONES

JUDGE DAVID BRIONES UNITED STATES DISTRICT COURT
IN THE WESTERN DISTRICT OF TEXAS

FILED

2006 MAR -9 PM 4:48

ALEMAN-Alcalá, Azucena (aka ALEMAN, Lluvia Azucena)
ALEMAN-Alcalá, Jessica (aka ALEMAN, Yesica Magali)

CLERK OF COURT
BY W. L. L. L.
DEPUTY

Petitioners-Appellee,

v.

GONZALES, as Attorney General
Of the United States;

Department of Homeland Security

Texas District Director for the DHS;

ICE Field Office Director for Detention & Removal

Connie Perez, In charge SouthWest Key Detention Center)

Office of Refugee Resettlement (ORR))

Respondents-Appellants)

EPO6CA0103

PETITION FOR WRIT OF HABEAS CORPUS

Respectfully Submitted:

LAW OFFICE OF LYDA NESS

Attorney for the Petitioners

609 Myrtle Avenue Suite 102

El Paso, TX 79901

Tel : (915) 351-2171

Fax : (915) 351-4053

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- A.** I-94 Legal Entry Document
- B.** Birth Cert for Noe Aleman & Naturalization Cert for Isabel Aleman
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- D.** School Records for Lluvia Azucena Aleman & Yessica Magali Aleman
- E.** I-130 Petition
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II. TABLE OF AUTHORITIES

CASE LAW

Henderson v. Reno, 157 F.3d 106, 122 (2d Cir. 1998),
cert. denied sub. nom. *Reno v. Navas*, 119 S. Ct. 1141 (1999)
Malloy v. Hogan, 378 U.S. 1 (1964)
McCarthy v. Arndstein, 266 U.S. 34 (1924)

STATUTES

5 USC § 701
8 USC § 1103 (a)
8 USC § 1103 (c)
28 USC § 1331
28 USC §§ 1391 (e) and 2241
28 USC § 1651
28 USC § 2201
28 USC §§ 2241(c)(1) and (3), and 2255
Art I. § 9, cl. 2 of the United States Constitution
APA

III. STATEMENT OF THE CASE

1. Petitioners, by and through their undersigned counsel, hereby respectfully petition this Honorable Court for a Writ of Habeas Corpus to remedy their unlawful and illegal detention, and to enjoin Respondents from denying Petitioners' request for release.

2. Petitioners, Azucena Alcala Aleman and Jessica Alcala Aleman, 16 and 17 years old respectively, are in the custody of Immigration and Customs Enforcement ("ICE") at the SouthWest Key Facility in Canutillo, Texas. They are under the direct control of Respondents and their agents.

III. JURISDICTION OF THE COURT

3. This Court has jurisdiction under 28 USC §§ 2241(c) (1) and (3), and 2255 ("Habeas Corpus"), Art I. § 9, cl. 2 of the United States Constitution ("Suspension Clause"), and 28 USC § 1331. This Court is empowered to issue declaratory relief pursuant to 28 USC § 2201 ("Declaratory Judgment").

4. Petitioners are presently in custody under color of the authority of the United States, and such custody is in violation of the Constitution, laws, or treaties of the United States. See e.g., *Henderson v. Reno*, 157 F.3d 106, 122 (2d Cir. 1998), cert. denied sub. nom. *Reno v. Navas*, 119 S. Ct. 1141 (1999). This Court may grant relief pursuant to 28 U.S.C. § 2241, the APA, the Declaratory Judgment Act, 28 USC § 2201 et.seq. and the All Writs Act, 28 USC § 1651.

5. Venue lies in the United States District Court for the Western District of Texas. Jurisdiction exists pursuant to 28 USC § 2241, 28 USC § 1331, and 5 USC § 701. The Western District of Texas is the correct judicial district as the Petitioners are in the Custody of the Southwest Key Facility. It is also where Respondents, the Attorney General of the United States, the Department of Homeland Security ("DHS") District Director, and the Warden regularly or at various times conduct business. 28 USC § 1391(e) and 2241.

IV. PARTIES

6. Petitioners are natives of Mexico. Respondents took Petitioners into custody on or about June 15, 2004 and have detained them since without any effort to release them on supervised release despite repeated requests and even though Petitioners have cooperated with the Government in the Government's investigation.

7. Respondent Alberto Gonzales (hereinafter "Respondent Gonzales") is sued in his official capacity as Attorney General of the United States. In this capacity, he is responsible for the administration and enforcement of the immigration laws pursuant to 8 USC § 1103 (a) and routinely conducts business in the Western District of Texas.

8. Respondent, Department of Homeland Security ("DHS") Texas District Director, is sued in his official capacity. In this capacity, he is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103 (c) and is legal custodian of Petitioners.

9. Respondent Michael Chertoff is the Secretary of the DHS. He is responsible for the administration of the United States Citizenship and Immigration Service ("USCIS") and the implementation and enforcement of the Immigration and Nationality Act ("INA"). As such, he is also a custodian of Petitioners.

10. Respondent, Immigration and Customs Enforcement ("ICE") Field Office Director for Detention & Removal. In this capacity, he is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103 (c) and is legal custodian of Petitioners.

11. Respondent, Connie Perez, in charge of the SouthWest Key Detention Center, is the immediate custodian of Petitioners. In this capacity, she is responsible for the day-to-day control over Petitioners and can produce the actual bodies.

12. Respondent, Office of Refugee Resettlement ("ORR") is responsible for the release of Petitioners.

V. ISSUES PRESENTED

13. Immigration and Customs Enforcement (ICE") have unlawfully detained Petitioners despite having been lawfully adopted, legally and binding pursuant to Texas State Adoption and Family Law, by US Citizen parents.

VI. STATEMENT OF FACTS

14. Petitioners, Azucena Alcala Aleman and Jessica Alcala Aleman are 16 and 17 years old natives of Mexico. They were legally admitted on or about March 12, 2004 into the United States on parole (**Exhibit A - I-94 Legal Entry document**) for one day to attend their adoption hearing at Texas State Court, located at the District Court of El Paso County, Texas.

15. Petitioners are the lawfully and presently adopted daughters of Noe Aleman and Isabel Aleman both citizens of the United States (**Exhibit B - Proof of Identification**). The petitioning couple was granted an unconditional adoption on April 23, 2004 by the presiding judge of the District Court of El Paso County, Texas (**Exhibit C - Agreed Temporary Orders from the Texas State Court**). Petitioners were enrolled in Coronado High School by their adoptive parents, where they excelled in their curriculum (**Exhibit D - School Transcript**). The adoptive parents filed an Immigrant Petition for Relative on July 7, 2004 (**Exhibit E - Immigrant Petition for Relative I-130 Petition**).

16. On June 15, 2004 Petitioners were taken into custody by ICE when they reported to the Immigration Officer to obtain an extension of their stay in the United States during the pendency of their I-130 adjudication (**Exhibit F I-130 Petition Receipt Notice**). The entire episode was in retrospect, an insidious and wholly illegal "trap" to arrest, and subsequently detain Petitioners and deprive them of their lawfully adoptive family in the United States.

17. Petitioners currently remain in the custody of ICE and DHS at the SouthWest Key Detention Facility in Canutillo, Texas. Petitioners have repeatedly applied for release from custody several times, however, each time release has been denied because of the pending charges on appeal brought against their adoptive father, Mr. Noe Aleman. Mr. Aleman was charged before the Petitioners were taken into custody.

18. Mr. Aleman was arrested and charged with the harboring of illegal aliens, the use of false documents to obtain an adoption, and conspiracy. The matter is currently pending on appeal. Some charges were upheld while others are pending on appeal. In other words, Mr. Aleman is innocent. The charges, according to Mr. Aleman and his Wife are completely false and baseless as the Texas District Court, after careful analysis of the documents and testimony of the witnesses, as well as from Petitioners, issued a final and duly granted order of adoption (**Exhibit G - Adoption Order**).

19. Further, Petitioners were further harassed by the United States Government being forced and compelled to testify at a (grand) jury hearing as to their relations with their adoptive parents, Noe Aleman and his wife Isabel. Petitioners denied all allegations by Immigration and Customs Enforcement ("ICE") and Department of Homeland Security ("DHS") of abuse against Mr. Aleman. Please see attached letter from Thomas E. Stanton appointed *Ad Litem Attorney* by government from Stanton and Antcliff dated June 6, 2005 (**Exhibit H**).

20. There is absolutely no evidence to prove the United States Government's fictitious allegations of abuse against Mr. Aleman. The denial of a duly executed request for release from custody is totally erroneous and illegal and is based on unfounded allegations made by the United States Government against Mr. Aleman. Further, the United States Government's allegations that Mr. Aleman used fraudulent documents to obtain the adoption are unfounded. The final order of adoption currently stands valid, and the United States Government has not presented any evidence to show the invalidity of the adoption order, whether legal or factual.

21. In point of fact, before any charges of abuse were brought against Mr. Aleman, Petitioners were interviewed by an officer at the Office of Inspector General ("OIG") and a Special Agent from the Federal Bureau of Investigation ("FBI"). Petitioners were interrogated about any potential or possible sexual abuse by Mr. Aleman. Petitioners vehemently and consistently denied any and all allegations of abuse. The Petitioners were subjected to extreme interrogation without presence of their legal counsel, or guardian.

22. To illustrate the horrific and awful rap Petitioners and their family have been treated, after no evidence of abuse was discovered from this totally hostile and illegal interrogation and psychological trauma; Petitioners were, in retaliation, placed in Removal Proceedings on or about June 15, 2004 and June 30, 2004. They were charged under Immigration and Nationality Act ("INA") § 237(a)(1)(B) of remaining in the US for a longer time than permitted (**Exhibit I - Notices to Appear**).

23. At the Immigration Hearing on June 20, 2005, Petitioners, through their counsel, applied for Admission to the US based on the fact that they are legally adopted daughters of US Citizen parents. The Immigration Judge denied the Application and ordered them removed. **(Exhibit J - Immigration Judge's Order)** Petitioners have appealed the decision to the Board of Immigration Appeals ("BIA") and is currently pending.

24. Further, at the Immigration Court Hearing, Petitioner's counsel requested the Immigration Judge, to recuse himself for bias and prejudice towards Mr. Aleman. Counsel for Petitioner stated on the record, that the Immigration Judge conducting the proceedings had previously served at the Office of US Attorney for the Western District. The Immigration Judge was approached by the Office of the US Attorney in an ex-parte communication and was made aware of the pending criminal allegations against Mr. Aleman, an entirely illegal procedure, potentially affecting the Judge's ability to be fair and impartial. The briefing on Mr. Aleman's criminal charges was done in private, in the absence of Petitioners, and their legal counsel. The knowledge irrefutably tainted the Immigration Judge's judgment, as well as his consideration of Petitioner's Application for Admission **(Exhibit K - Appeal to the BIA)**.

25. The Government thus refused to release Petitioners until Mr. Aleman's appeal is adjudicated.

26. Petitioners are constantly threatened by the Government, an entirely illegal and unjust development that they would be returned to Mexico. Petitioners cannot return to Mexico because their entire family resides in the United States.

27. The Government is not transferring them to an orphanage, as they are not considered orphans in light of the valid adoption order, at the same time, they are not being released to their adoptive parents. Therefore they will likely be released in to the wilds of Mexico, where they will undoubtedly be killed or exploited.

28. No other petition for a Writ of Habeas Corpus has been made.

VII. ARGUMENT

FIRST CLAIM FOR RELIEF

(DISREGARD BY THE FEDERAL GOVERNMENT OF A SETTLED STATE ISSUE)

28. The Petitioners re-allege and incorporate by reference each and every allegation contained in the paragraphs 1 through 27 as if set forth fully herein.

29. The Petitioners are adopted daughters of US Citizen parents. The adoption has been properly obtained in Texas District Court. It has not been challenged by the Government and stands valid. The Federal Agencies such as the FBI and the OIG have stepped over their powers to interfere with State powers. The Texas State Court duly granted Mr. Aleman a lawful adoption after careful consideration of all documents and testimonies. The adoption remains valid to this day, and has not been challenged.

30. After completion of the adoption proceedings, Petitioners were called in by Immigration Officer to collect extension of their stay in the United States. While they were waiting for their paperwork, agents from the Office of the Inspector General ("OIG"), Border Patrol Security ("BPS") and the Federal Bureau of Investigation ("FBI") approached Mr. Aleman and asked him if he knew Petitioners. He informed them that they were his adopted daughters. Despite having proper state adoption papers Mr. Aleman was taken into custody for harboring illegal aliens. Petitioners were also taken into custody and detained at the ICE Detention Facility. Such blatant disregard of the State District Court's decision, without any basis in law or fact, is a sheer violation of the State Court's authority.

SECOND CLAIM FOR RELIEF
(DUE PROCESS VIOLATION)

31. Petitioners re-allege and incorporate by reference each and every allegation contained in the paragraphs 1 through 30 as if set forth fully herein.

32. The Petitioners, who are minors, were arbitrarily taken into custody by the Federal Agencies. They were interrogated and questioned, under extremely harsh conditions, without a presence of a counsel or a guardian. After two hours of interrogation they were taken into custody and detained at Las Cruces Detention Facility. They were told by the Federal agents to sign legal documents without any advice from their parents or legal counsel.

33. The Petitioners were interviewed without an attorney by OIG and FBI for unfounded allegations of sexual abuse by their adoptive father. Their due process was violated at the immigration hearing when the Judge was approached by the US Attorneys' Office and was ex-parte informed about the allegations. The failure of the Immigration Judge to recuse himself of the case when there was clear bias and prejudice on his part is a violation of the Petitioners' right to due process. The Immigration Judge had served at the US Attorney's office, and he was briefed by the AUSA in the absence of the Petitioners their parents and their counsel.

34. The Fifth Amendment prevents individuals from being punished without "due process of law." Due process extends to all persons (including non-US citizens). The Petitioners' unlawful detention is a violation of their due process rights as Petitioners are being detained without just cause.

35. Further, the Petitioners were compelled to testify before the grand jury against their adoptive father for the false charges the US Government had brought against him. Mr. Aleman was taken into custody and was refused contact with Petitioners because they were to be used as witnesses against him. Petitioners were subjected to excessive interrogation by the US Attorneys' Office. During their testimony in one of the hearings and upon

information I believe they were addressed as "little whore" by the US Attorney who conducted the testimony on behalf of the Government.

36. Fifth Amendment protections apply wherever and whenever an individual is compelled to testify. The U.S. Supreme Court has ruled that the privilege against self-incrimination applies whether the witness is in Federal or State court (see Malloy v. Hogan, 378 U.S. 1 (1964)), and whether the proceeding itself is criminal or civil (see McCarthy v. Arndstein, 266 U.S. 34 (1924)).

THIRD CLAIM FOR RELIEF
(VIOLATION OF THE UNITED NATIONS CONVENTION
RIGHTS OF THE CHILD ARTICLE 37 (b))

37. Petitioners re-allege and incorporate by reference each and every allegation contained in paragraphs 1 through 36 as if set forth fully herein.

38. Article 37 (b) of the United Nation Convention Rights of the Child ("UNCRC") states that States Parties shall ensure that:

No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with law and shall be used only as a measure of last resort, and for the shortest appropriate period of time;

39. Article 37(c) of the United Nation Convention Rights of the Child ("UNCRC") states that every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances.

40. Article 37(d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty

before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

41. The Petitioners were first taken into custody on June 15, 2004. They were released after three weeks when the US Attorneys' Office was advised that a Habeas Corpus Petition for wrongful detention would be filed in order to have the Petitioners released. The Petitioners were released the next day to the friends of their adoptive parents (Lisa and Tony Poole).

42. The Petitioners remained in the custody of the Pool family for about seven months, until they were arrested again. Unfortunately, during their stay with the Pool family the Petitioners were abused and mistreated. For instance, candies were thrown at them at Halloween. Mr. Poole came into the house brandishing a weapon to harass Petitioners. They were constantly misadvised by the Pool family about belonging to them instead of their actual adoptive parents. They were at times forced to sign paperwork to nullify the adoption. The Petitioners therefore request that they be released to their adoptive mother Isabel Aleman.

43. Petitioners are constantly being threatened by the Immigration Authorities at the Detention Center that they will be sent back to Mexico and that they will be separated from their US Citizen parents. Petitioners currently qualify for adjustment of status as stated under the Immigration and Nationality Act. However, their unlawful detention is preventing them from continued residence with their adoptive parents.

44. Petitioners are minors who have been subjected to harsh interrogation by OIG and FBI as well as Grand Jury testimony against their adoptive father. Such violation of due process rights of the Petitioners is unwarranted. Further their unwarranted continued detention tantamount to violation of their human rights and liberties.

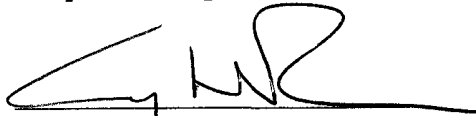
VIII. PRAYER FOR RELIEF

WHEREFORE, the Petitioners pray that this Honorable Court grant the following relief:

- (1) Grant the Writ of Habeas Corpus and Order that the Government release them from detention to their US Citizen parents or to their adoptive mother;
- (2) Stay the transfer of Petitioners.
- (2) Award Petitioners reasonable costs and attorneys' fees; and
- (3) Grant any other and further relief which this Honorable Court deems just and proper.

Dated: March 9, 2006

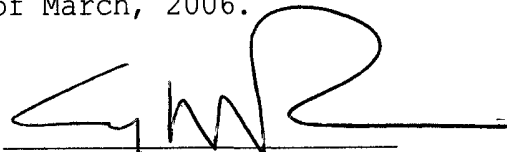
Respectfully submitted,



Lyda Ness Attorney at Law
LAW OFFICE OF LYDA NESS
Attorney for Petitioners
609 Myrtle Suite 102
El Paso, Texas 79901
Tel: (915) 351-2171
Fax: (915) 351-4053

Certificate of Service

I certify that a true copy of Petition for Writ of Habeas Corpus was served on U.S. Attorney's Office, 700 East San Antonio Ave., Suite 200, El Paso, TX 79901 via postal service and in accordance with the Texas Rules of Civil Procedure on the 9th day of March, 2006.



Lyda Ness
Attorney at Law

EXHIBIT

“A”

JUN-08-2004 TUE 12:21 PM FOM SECTOR OIA

FAX NO. 915 89001

P. 16
P. 13/13

JUN-08-2004 TUE 10:48 AM INS - DISTRICT DIRECTOR

FAX NO. 915222.743

824477840 10

Servicio de Inmigración
y NaturalizaciónI-94
Registro de salida

PAROLED UNTIL	Mar 12, 2004
PURPOSE	Consul
Proceedings	
POA/ELP	Mar 12, 2004 6026
(PORT) (DATE) (OFFICE)	

ALVAN ALCALA	
ESICA MAGALI	08 03 88
MEXICO	

Vea el reverso

STAPLE HERE

Registro de salida

824477830 10

Servicio de Inmigración
y NaturalizaciónI-94
Registro de salida

PAROLED UNTIL	Mar 12, 2004
PURPOSE	Consul
Proceedings	
POA/ELP	Mar 12, 2004 6026
(PORT) (DATE) (OFFICE)	

GALVAN ALCALA	
LUVIA AZUCENA	26 05 81
MEXICO	

Vea el reverso

STAPLE HERE



EXHIBIT

“B”

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page 1

FORM N-550 REV. 6-91

UNITED STATES DEPARTMENT OF JUSTICE

No. 20251653

CERTIFICATE OF NATURALIZATION



IMMIGRATION AND NATURALIZATION SERVICE

Personal description of holder
as of date of naturalization:

Date of birth: MARCH 11, 1965

Sex: FEMALE

Height: 5 feet 4 inches

Marital status: MARRIED

Country of former nationality:
MEXICO

I.N.S. Registration No. A28 553 066

I certify that the description given is true, and that the photograph affixed
hereto is a likeness of me.

Isabel Alcala de Aleman
(Complete and true signature of holder)

Be it known that, pursuant to an application filed with the Attorney General:

at: AMARILLO, TEXAS

The Attorney General having found that:

ISABEL ALCALA DE ALEMAN

then residing in the United States, intends to reside in the United States when so
required by the Naturalization laws of the United States, and had in all other
respects complied with the applicable provisions of such naturalization laws, and was
admitted to be admitted to citizenship, such person having taken the oath of allegiance
in a ceremony conducted by the

THE U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS
at: AMARILLO, TEXAS on: OCTOBER 5, 1992

that such person is admitted as a citizen of the United States of America.

IT IS PUNISHABLE BY U. S. LAW TO COPY,
PRINT OR PHOTOGRAPH THIS CERTIFICATE
WITHOUT LAWFUL AUTHORITY.

Isabel Alcala de Aleman
Commissioner of Immigration and Naturalization

EXHIBIT

“C”

ADOPTION

IN THE DISTRICT COURT OF EL PASO COUNTY, TEXAS

388 H

JUDICIAL DISTRICT

GILBERT R. GONZALEZ

IN THE INTEREST OF

SIADA ANABEL GALVAN,
MAGALI GALVAN
AND LUBIA GALVAN
CHILDREN

§
§
§
§
§
§

2004 MAR 3 PM 2 25
CAUSE NO. 2003CM 2004CM012

LL
BY: [Signature]

ADOPTION

AGREED TEMPORARY ORDERS

1 Date of Hearing

On March 3, 2004 a pretrial conference was held.

2 Appearances

Petitioners, NOE ALEMAN, JR. and ISABELA ALEMAN, appeared in person and through attorney of record, LYDA A. NESS

The following persons waived issuance and service of citation by waiver duly filed and did not otherwise appear JUANA ALCALA

The father of the minor children, the subjects of this suit is ESTEBAN GALVAN, Respondent, who is deceased.

3 Children

The Court finds that the following children are the subjects of this suit.

Name: SIADA ANABEL GALVAN
Birthplace: Mexico
Birth date: August 9, 1985

Name: MAGALI GALVAN
Birthplace: Mexico
Birth date: March 8, 1988

Name: LUBIA GALVAN
Birthplace: Mexico
Birth date: May 26, 1981

Conservatorship

The Court finds that the following orders are in the best interest of the children.

IT IS ORDERED that NOE ALEMAN, JR., ISABELA ALEMAN and JUANA ALCALA are appointed Temporary Joint Managing Conservators of the following children SIADA ANABEL GALVAN, MAGALI GALVAN and LUBIA GALVAN. IT IS FURTHER ORDERED that NOE ALEMAN, JR. and ISABELA ALEMAN are appointed Primary Joint Managing Conservators of the minor children the subjects of this suit

IT IS ORDERED that, at all times, NOE ALEMAN, JR. and ISABELA ALEMAN, as a temporary joint managing conservators, shall have the following rights:

ORIGINAL

- concerning the health, education, and welfare of the children;
- 2 the right to confer with the other conservator to the extent possible before making a decision concerning the health, education, and welfare of the children;
 - 3 the right of access to medical, dental, psychological, and educational records of the children;
 - 4 the right to consult with a physician, dentist, or psychologist of the children;
 - 5 the right to consult with school officials concerning the children's welfare and educational status, including school activities;
 - 6 the right to attend school activities;
 - 7 the right to be designated on the children's records as a person to be notified in case of an emergency;
 - 8 the right to consent to medical, dental, and surgical treatment during an emergency involving an immediate danger to the health and safety of the children; and
 - 9 the right to manage the estates of the children to the extent the estates have been created by the conservator or the conservator's family.

IT IS ORDERED that, at all times, NOE ALEMAN, JR. and ISABELA ALEMAN, as a temporary joint managing conservators, shall have the following duties:

- 1 the duty to inform the other conservator of the children in a timely manner of significant information concerning the health, education, and welfare of the children; and
- 2 the duty to inform the other conservator of the children if the conservator resides with for at least thirty days, marries, or intends to marry a person who the conservator knows is registered as a sex offender under chapter 62 of the Code of Criminal Procedure or is currently charged with an offense for which on conviction the person would be required to register under that chapter. IT IS ORDERED that this information shall be tendered in the form of a notice made as soon as practicable, but not later than the fortieth day after the date the conservator of the children begins to reside with the person or on the tenth day after the date the marriage occurs, as appropriate. IT IS ORDERED that the notice must include a description of the offense that is the basis of the person's requirement to register as a sex offender or of the offense with which the person is charged. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE.

IT IS ORDERED that, at all times, JUANA ALCALA, as a temporary joint managing

conservator, shall have the following rights:

1. the right to receive information from any other conservator of the children concerning the health, education, and welfare of the children;
2. the right to confer with the other conservator to the extent possible before making a decision concerning the health, education, and welfare of the children;
3. the right of access to medical, dental, psychological, and educational records of the children;
4. the right to consult with a physician, dentist, or psychologist of the children;
5. the right to consult with school officials concerning the children's welfare and educational status, including school activities;
6. the right to attend school activities;
7. the right to be designated on the children's records as a person to be notified in case of an emergency;
8. the right to consent to medical, dental, and surgical treatment during an emergency involving an immediate danger to the health and safety of the children; and
9. the right to manage the estates of the children to the extent the estates have been created by the conservator or the conservator's family

IT IS ORDERED that, at all times, JUANA ALCALA, as a temporary joint managing conservator, shall have the following duties:

1. the duty to inform the other conservator of the children in a timely manner of significant information concerning the health, education, and welfare of the children, and
2. the duty to inform the other conservator of the children if the conservator resides with for at least thirty days, marries, or intends to marry a person who the conservator knows is registered as a sex offender under chapter 62 of the Code of Criminal Procedure or is currently charged with an offense for which or conviction the person would be required to register under that chapter. IT IS ORDERED that this information shall be tendered in the form of a notice made as soon as practicable, but not later than the fortieth day after the date the conservator of the children begins to reside with the person or on the tenth day after the date the marriage occurs, as appropriate. IT IS ORDERED that the notice must include a description of the offense that is the basis of the person's requirement to register as a sex offender or of the offense with which the person is charged. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR

of the children in relation to the children's estates if the children's action is

JUN 15, 2005 06:30A

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PAGE 2

FAILS TO PROVIDE THIS NOTICE

IT IS ORDERED that, during her respective periods of possession, NOE ALEMAN, JR. and ISABELA ALEMAN, as a temporary joint managing conservatorS, shall have the following rights and duties:

- 1 the duty of care, control, protection, and reasonable discipline of the children;
- 2 the duty to support the children, including providing the children with clothing, food, shelter, and medical and dental care not involving an invasive procedure;
- 3 the right to consent for the children to medical and dental care not involving an invasive procedure, and
- 4 the right to direct the moral and religious training of the children

IT IS ORDERED that, during his respective periods of possession, JUANA ALCALA, as a temporary joint managing conservator, shall have the following rights and duties:

1. the duty of care, control, protection, and reasonable discipline of the children;
2. the duty to support the children, including providing the children with clothing, food, shelter, and medical and dental care not involving an invasive procedure,
3. the right to consent for the children to medical and dental care not involving an invasive procedure, and
- 4 the right to direct the moral and religious training of the children.

IT IS ORDERED that NOE ALEMAN, JR. and ISABELA ALEMAN, as a temporary joint managing conservators, shall have the following rights and duty:

- 1 the exclusive right to designate the primary residence of the children without regard to geographic location;
- 2 the exclusive right to consent to medical, dental, and surgical treatment involving invasive procedures and to consent to psychiatric and psychological treatment of the children;
- 3 the exclusive right to receive and give receipt for periodic payments for the support of the children and to hold or disburse these funds for the benefit of the children;
- 4 the exclusive right to represent the children in legal action and to make other decisions of substantial legal significance concerning the children;
5. the exclusive right to consent to marriage and to enlistment in the armed forces of the United States;
- 6 the exclusive right to make decisions concerning the children's education,
- 7 the exclusive right to the services and earnings of the children,
- 8 except when a guardian of the children's estates or a guardian or attorney ad litem has been appointed for the children, the exclusive right to act as an agent

EXHIBIT

“D”

AMERICAS HIGH SCHOOL

SOCORRO INDEPENDENT SCHOOL DISTRICT

12101 Pelicano Dr. El Paso, Texas 79936-4400 (915) 937-2800 Fax (915) 855-6898



Principal - Mary Ross
 Assistant Principal - Elena Acosta
 Assistant Principal - Patricia Ayala
 Assistant Principal - Gregorio DeAnda
 Assistant Principal - Joseph Manago III
 Assistant Principal - Maureen Tipton



GRADE REPORT

TO THE PARENT/GUARDIAN OF:
 ALEMAN, AZUCENA ALCALA
 1750 PLUMED QUAIL LN
 EL PASO TX 79936

STUDENT ID	STUDENT NAME	GRADE	SEX	BUILDING
164111	ALEMAN, AZUCENA ALCALA	09	F	4

HOME ROOM	COUNSELOR	PERIOD	SCHOOL YEAR	DATE PRINTED
P-3 P	APODACA, SYLVIA	1	2005	10/15/2004

COURSE	TEACHER	ME1	ME2	SEM	ME3	ME4	SEM	FINAL	LOC	ABS	ATT	CREDIT
ALGEBRA I A YI	PAYAN, ADOLFO	72									1	
LOCAL CRED A YI	PAYAN, ADOLFO	72									1	
PE-FOUND PER	BROWN, DENNIS	89									1	
SPANISH 1 A N	ESCOBAR, EVAN	88									1	
READING 1A RI	DELGADO, ROBE	72									1	
PRACT WRSK A RI	SUBIA, CAROLI	83									1	
BIOLOGY A RI	AMAYA, FRED A	71									1	
W GEOGRAPHY YI	DOMINGUEZ, PE	76									1	

"" Indicates Loss-of-Credit due to excessive absences.

CITIZENSHIP DESCRIPTION	
Satisfactory	1
Needs Improvement	2
Unsatisfactory	3

TO SCHEDULE A CONFERENCE, PLEASE CALL 937-2800.

Coronado High School
100 Champions Place
El Paso, Tx 79912

Prd	Course	Teacher	Mark	Grade	Report Period	To
			Earned	W/H	Class	Teacher Comments
01	SPAN 1b SS	Jarquín Elena	INC			
02	ALGEBRA 1b	Palma Josefín	49	10	From 04/11/05	05/25/05
03	ENG 1b SOL	Torres Fidel	78			
04	RDG 1b SOL-I	Torres Fidel	76			
05	W GEOG b	Cuthbertson M	90			
06	BIO 1b	Rodriguez Hec	100			

Progress Report 6th Six Weeks

6th Six Weeks

Present: 0 Home Room:

Mr & Mrs Aleman
RE: Azucena Aleman
770 Martha Gale
El Paso, Tx 79912

REPORT CARD

Coronado High School
100 Champions Place
El Paso, Tx 79912

STUDENT

GRADE

639402

REPORT PERIOD

FROM TO



5th Sem 1st/05

02/21/05 04/09/05

COURSE

TEACHER

1st 2nd 3rd Sem1st4th 5th 6th Sem2nd2nd1st Abs Tdy

1st 2nd 3rd Sem1st4th 5th 6th Sem2nd2nd1st Abs Tdy

CREDITS
EARNED

COMMENTS

SPAN 1b SS
ALGEBRA 1b
ENG 1b SOL
RDG 1b SOL-I
W GEOG b
BIO 1b

Jarquín Elen
Palma Josefi
Torres Fidel
Torres Fidel
Cuthbertson M
Rodriguez He

74 87
70 71
84 75
70 76
50 88
94 87

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1 1
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S S

0.000
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0.000

** PAGE 1 OF 1 **

EXPLANATION OF MARKS

Mr & Mrs Aleman
RE: Azucena Aleman
770 Martha Gale
El Paso, Tx 79912
Home Room:

REPORT CARD

Coronado High School
100 Champions Place
El Paso, TX 79912

STUDENT

GRADE

REPORT PERIOD

FROM

TO

ACADEMIC MARKS

ATTENDANCE



Torres, T.

COURSE	TEACHER	1st	2nd	3rd	Sem1	4th	5th	6th	Sem2	Proj	abs	Tdy	CONDUCT	CREDITS EARNED	COMMENTS
SPAN 1b SS	Jacquín Elen	74											S	0.000	
ALGEBRA 1b	Palma Josefi	70											S	0.000	
ENG 1b SOL	Torres Fidel	84											S	0.000	
RTG 1b SOL-I	Torres Fidel	70											S	0.000	
W GEOG b	Cuthbertson M	50											S	0.000	
BIO 1b	Rodriguez He	94											S	0.000	

** PAGE 1 OF 1 **

EXPLANATION OF MARKS

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Mr & Mrs Aleman
RE: Azucena Aleman
770 Martha Gale
El Paso, Tx 79912

Reminder: Spring Break March 21, 2005 thru March 28, 2005.

Laser Form # 12871

AMERICAS HIGH SCHOOL

SOCORRO INDEPENDENT SCHOOL DISTRICT

12101 Pelicano Dr. El Paso, Texas 79936-4400 (915) 937-2800 Fax (915) 855-8898



Principal - Mary Rosa
 Assistant Principal - Elena Acosta
 Assistant Principal - Patricia Ayala
 Assistant Principal - Gregorio DeAnda
 Assistant Principal - Joseph Manago III
 Assistant Principal - Maureen Tipton



GRADE REPORT

TO THE PARENT/GUARDIAN OF:
 ALEMAN, JESSICA ALCALA
 1750 PLUMED QUAIL LN
 EL PASO TX 79936

STUDENT ID	STUDENT NAME	GRADE	SEX	BUILDING
164112	ALEMAN, JESSICA ALCALA	09	F	4

HOMEROOM	COUNSELOR	GRADE	SCHOOL YEAR	DATE PRINTED
D107	APODACA, SYLVIA	1	2005	10/15/2004

COURSE	TEACHER	MP1	MP2	SEM	MP3	MP4	SEM	FINAL	LOC	ABS	ATT	CREDIT
ART I-A	ROMERO, CARLO	87									1	
BIOLOGY A CWC	AMAYA, FRED A	70									1	
W HISTORY RI	SOTO, ERIC D	87									1	
ACE PREP/PARENT	POPE, KAMI	91									1	
READING 1A RI	DELGADO, ROBE	89									1	
PRACT WRSK A RI	SUBIA, CAROLI	87									1	
ALGEBRA I A RI	BACA, PAUL	76									1	
LOCAL CRED A RI	BACA, PAUL	76									1	

*** Indicates Loss-of-Credit due to excessive absences.

CITIZENSHIP DESCRIPTION	
Satisfactory	1
Needs Improvement	2
Unsatisfactory	3

TO SCHEDULE A CONFERENCE, PLEASE CALL 937-2800.

Aleman, Jessica

Grades

Thu, Mar 3, 2005 04:16 PM Page: 1

Last Name	First Name	Middle Name	Grd	Gen	Student ID
Aleman	Jessica		10	F	438492

Show All Data

Show Marks Only

Class Information						4th Six Weeks					
Ln	Beg Per	End Per	Crs-ID	Crs Title	Teacher Name	4th 6wk	Cond	Cmt 1	Cmt 2	Abs Tot	Tdy Tot
1	01	01	S21000	W HISTORY b	Duckett	77	S				
2	02	02	E12300	RDG 1b SOL-I	Plasencia Tan	80	S				
3	03	03	E31400	ENG 1b SOL	Plasencia Tan	81	S				
4	04	04	M61000	ALGEBRA 1b	Palma Josefin	80	S				
5	05	05	A02000	ART 1b	Valadez Rudo	80	S				
6	06	06	C15000	BIO 1b	Rodriguez Her	90	S				

Total Credits: Comp 0.000

Att 3.000

NGA 0.0000

REPORT CARD

Coronado High School
100 Champions Place
El Paso, TX 79912

438492

REPORT PERIOD

FROM

TO

STUDENT

GRADE

5th - 5th Weeks

ACADEMIC MARKS

02/27/05 - 04/08/05

ATTENDANCE

CREDITS
EARNED

COMMENTS



W HISTORY b
RDG 1b SOL-I
ENG 1b SOL
ALGEBRA 1b
ART 1b
BIO 1b

Duckett
Plasencia Ta
Plasencia Ta
Palma Josefi
Valadez Rudo
Rodriguez He

1st 2nd 3rd Sem 1st 4th 5th 6th Sem 2nd Pro 1st 2nd Tot
6wk 6wk 6wk Exam Final 6wk 6wk Exam Final 6wk 6wk

77 88
80 78
81 78
80 79
80 84
90 100

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1
1

S 0.000
S 0.000
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S 0.000
S 0.000

** PAGE 1 OF 1 **

EXPLANATION OF MARKS

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Mr. & Mrs. Noe Aleman
RE: Jessica Aleman
770 Martha Gale
El Paso, TX 79912
Home Room:

REPORT CARD

Coronado High School
100 Champions Place
El Paso, TX 79912

STUDENT

GRADE

REPORT PERIOD

FROM

TO

ACADEMIC MARKS

ATTENDANCE

COURSE

TEACHER

CREDITS
EARNED

COMMENTS

W HISTORY b
RDG 1b SOL-I
ENG 1b SOL
ALGEBRA 1b
ART 1b
BIO 1b

Duckett
Plasencia Ta
Plasencia Ta
Palma Josefi
Valadez Rudo
Rodriguez He

1st 2nd 3rd Sem1 4th 5th 6th Sem2 Sen2 Pro1 Abs Tdy
Gmk Gmk Gmk Exam Fin Gmk Gmk Exam Fin Sem1 Tot Tot
77
80
81
80
80
90

S 0.000
S 0.000
S 0.000
S 0.000
S 0.000
S 0.000

** PAGE 1 OF 1 **

EXPLANATION OF MARKS

Mr. & Mrs. Noe Aleman
RE: Jessica Aleman
770 Martha Gale
El Paso, Tx 79912

Reminder: Spring Break March 21, 2005 thru March 28, 2005.

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Laser Form # 1267.



EXHIBIT

“E”

U.S. Department of Justice
Immigration and Naturalization ServiceON 8 #1115-003
Petition for Alien Relative

DO NOT WRITE IN THIS BLOCK - FOR EXAMINING OFFICE USE ONLY		
A#	Action Stamp	Fee Stamp
Section of Law/Visa Category <input type="checkbox"/> 201(h) Spouse - IR-1 CR-1 <input type="checkbox"/> 201(h) Child - IR-2 CR-2 <input type="checkbox"/> 201(h) Parent - IR-3 <input type="checkbox"/> 203(a)(1) Unm. S or D - F1-1 <input type="checkbox"/> 203(a)(2)(A) Spouse - F2-1 <input type="checkbox"/> 203(a)(2)(A) Child - F2-2 <input type="checkbox"/> 203(a)(2)(B) Unm. S or D - F2-4 <input type="checkbox"/> 203(a)(3) Married S or D - F3-1 <input type="checkbox"/> 203(a)(4) Brother/Sister - F4-1		Petition was filed on _____ at _____ <input type="checkbox"/> Personal Interview <input type="checkbox"/> Previously Forwarded <input type="checkbox"/> Pct. <input type="checkbox"/> Ben. "A" File Reviewed <input type="checkbox"/> I-485 Filed Simultaneously <input type="checkbox"/> Field Investigation <input type="checkbox"/> 201(h) Resolved <input type="checkbox"/> 203(a)(2)(A) Resolved <input type="checkbox"/> 203(a) Resolved
Remarks:		

A. Relationship You are the petitioner; your relative is the beneficiary.

1. I am filing this petition for my: <input type="checkbox"/> Husband/Wife <input type="checkbox"/> Parent <input type="checkbox"/> Brother/Sister <input checked="" type="checkbox"/> Child	2. Are you related by adoption? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	3. Did you gain permanent residence through adoption? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
---	--	--

B. Information about you

1. Name (Family Name in CAPS)	(First)	(Middle)
ALEMAN Jr.	Noe	
2. Address (Number and Street)		
770 Martha Gale		
(Town or City)	(State/Country)	(ZIP/Postal Code)
El Paso	Texas	79912
3. Place of Birth (Town or City)		
Mc Allen Texas USA		
4. Date of Birth (Month/Day/Year)	5. Gender	6. Marital Status
08/21/1963	<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	<input checked="" type="checkbox"/> Married <input type="checkbox"/> Single <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced
7. Other Names Used (including maiden name)		
N/A		
8. Date and Place of Present Marriage (if married)		
08/23/1988 Brownsville, TX		
9. Social Security Number (if any)	10. Alien Registration Number	
458-47-3003	None	
11. Name(s) of Prior Husband(s)/Wife(s)		
N/A		
12. Date(s) Marriage(s) Ended		
N/A		

C. Information about your relative

1. Name (Family Name in CAPS)	(First)	(Middle)
ALEMAN	Azucena	
2. Address (Number and Street)		
770 Martha Gale		
(Town or City)	(State/Country)	(ZIP/Postal Code)
El Paso	Texas	79912
3. Place of Birth (Town or City)		
Borgos Tamaulipas Mexico		
4. Date of Birth (Month/Day/Year)	5. Gender	6. Marital Status
05/26/1990	<input type="checkbox"/> Male <input checked="" type="checkbox"/> Female	<input type="checkbox"/> Married <input checked="" type="checkbox"/> Single <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced
7. Other Names Used (including maiden name)		
Lubia Galvan		
8. Date and Place of Present Marriage (if married)		
N/A		
9. Social Security Number (if any)	10. Alien Registration Number	
11. Name(s) of Prior Husband(s)/Wife(s)		
N/A		
12. Date(s) Marriage(s) Ended		
N/A		

13. If you are a U.S. citizen, complete the following:

My citizenship was acquired through (check one):

- ☒ Birth in the U.S.
☐ Naturalization. Give certificate number, date and place of issuance.

- ☐ Parents: Have you obtained a certificate of citizenship in your own name?
☐ Yes. Give certificate number, date and place of issuance. ☐ No

13a. If you are a lawful permanent resident alien, complete the following: Date and place of admission for, or adjustment to, lawful permanent residence and class of admission

N/A

13b. Did you gain permanent resident status through marriage to a United States citizen or lawful permanent resident?

- ☐ Yes ☒ No

INITIAL RECEIPT _____ RESUBMITTED _____ REEXAMINED _____ Sent _____ COMPLETELY Approved _____ Denied _____ Ret'd _____

Form I-130 (Rev. 06/05/02) Y

C. Information about your relative (continued)**17. List husband/wife and all children of your relative.**

(Name) (Relationship) (Date of Birth) (Country of Birth)

N/A

18. Address in the United States where your relative intends to live.

(Street Address) (Town or City) (State)

770 Martha Gale El Paso Texas

19. Your relative's address abroad (include street, city, province and country)

Egido Emiliano Zapata Numero Conocido Burgos Tamaulipas Mexico Phone Number (if any) None

20. If your relative's native alphabet is other than Roman letters, write his or her name and foreign address in the native alphabet.

(Name) Address (include street, city, province and country):

21. If filing for your husband/wife, give last address at which you lived together. (Include street, city, province, if any, and country)

From: To: N/A (Month) (Year) (Month) (Year)

22. Complete the information below if your relative is in the United States and will apply for adjustment of status

Your relative is in the United States and will apply for adjustment of status to that of a lawful permanent resident in the office of the Immigration and Naturalization Service in El Paso Texas. If your relative is not eligible for adjustment of status, he or she

will apply for a visa abroad at the American consular post in Cd. Juarez Mexico (City) (Country)

NOTE: Designation of an American embassy or consulate outside the country of your relative's last residence does not guarantee acceptance for processing by that post. Acceptance is at the discretion of the designated embassy or consulate.

D. Other information**1. If separate petitions are also being submitted for other relatives, give names of each and relationship.**

Aleman, Jessica and Saida

2. Have you ever filed a petition for this or any other alien before?☒ Yes ☐ No

If "Yes", give name, place and date of filing and result.

Isabel Alcala du Aleman Dallas TX in 1986 Granted

WARNING: INS investigates claimed relationships and verifies the validity of documents. INS seeks criminal prosecutions when family relationships are falsified to obtain visas.**PENALTIES:** By law, you may be imprisoned for not more than five years or fined \$250,000, or both, for entering into a marriage contract for the purpose of evading any provision of the immigration laws. In addition, you may be fined up to \$10,000 or imprisoned up to five years, or both, for knowingly and willfully falsifying or concealing a material fact or using any false document in submitting this petition.**YOUR CERTIFICATION:** I certify, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Furthermore, I authorize the release of any information from my records which the Immigration and Naturalization Service needs to determine eligibility for the benefit that I am seeking.**E. Signature of petitioner.**

Date 07/02/04

Phone Number 715-833-7267

F. Signature of person preparing this form, if other than the petitioner.

I declare that I prepared this document at the request of the person above and that it is based on all information of which I have any knowledge.

Patricia D. Chew and Associates, P.C.

Print Name:

Signature:

Date:

5555 Gateway West suite 440 El Paso, TX 79925

G-28 ID or VOLAG Number, if any.

04189450

Form I-130 (Rev. 06-05-02) Page 2

U.S. Department of Justice
Immigration and Naturalization ServicePetition for Alien Relative
OMB #1115-0051

DO NOT WRITE IN THIS BLOCK - FOR EXAMINING OFFICE USE ONLY		
A#	Action Stamp	Fcc Stamp
Section of Law/Visa Category <input type="checkbox"/> 201(b) Spouse - IR-1/CR-1 <input type="checkbox"/> 201(b) Child - IR-2/CR-2 <input type="checkbox"/> 201(b) Parent - IR-5 <input type="checkbox"/> 203(a)(1) Imm. S or D - F1-1 <input type="checkbox"/> 203(a)(2)(A) Spouse - F2-1 <input type="checkbox"/> 203(a)(2)(A) Child - F2-2 <input type="checkbox"/> 203(a)(2)(B) Imm. S or D - F2-4 <input type="checkbox"/> 203(a)(3) Married S or D - F3-1 <input type="checkbox"/> 203(a)(4) Brother/Sister - F4-1		Petition was filed on _____ (priority date) <input type="checkbox"/> Personal Interview <input type="checkbox"/> Previously Forwarded <input type="checkbox"/> Pet <input type="checkbox"/> Ben. "A" File Reviewed <input type="checkbox"/> I-485 Filed Simultaneously <input type="checkbox"/> Field Investigation <input type="checkbox"/> 204(g) Resolved <input type="checkbox"/> 203(a)(2)(A) Resolved <input type="checkbox"/> 204(g) Resolved
Remarks:		

A. Relationship You are the petitioner; your relative is the beneficiary.

1. I am filing this petition for my: <input type="checkbox"/> Husband/Wife <input type="checkbox"/> Parent <input type="checkbox"/> Brother/Sister <input checked="" type="checkbox"/> Child	2. Are you related by adoption? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	3. Did you gain permanent residence through adoption? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
---	--	--

B. Information about you

1. Name (Family Name in CAPS)	(First)	(Middle)
ALEMAN Jr.	Noe	
2. Address (Number and Street) (Apt. No.)		
770 Martha Gale		
(Town or City)	(State/Country)	(ZIP/Postal Code)
El Paso	Texas	79912
3. Place of Birth (Town or City) (State/Country)		
Mc Allen Texas		
4. Date of Birth (Month/Day/Year)	5. Gender <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	6. Marital Status <input checked="" type="checkbox"/> Married <input type="checkbox"/> Single <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced
08/21/1963		
7. Other Names Used (including maiden name)		
N/A		
8. Date and Place of Present Marriage (if married)		
06/23/1985 Brownsville, TX		
9. Social Security Number (if any)	10. Alien Registration Number	
458-47-3003	N/A	
11. Name(s) of Prior Husband(s)/Wife(s)	12. Date(s) Marriage(s) Ended	
N/A		

C. Information about your relative

1. Name (Family Name in CAPS)	(First)	(Middle)
ALEMAN	Jessica	Alcala
2. Address (Number and Street) (Apt. No.)		
770 Martha Gale		
(Town or City)	(State/Country)	(ZIP/Postal Code)
El Paso	Texas	79912
3. Place of Birth (Town or City) (State/Country)		
Burgos Tamaulipas Mexico		
4. Date of Birth (Month/Day/Year)	5. Gender <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female	6. Marital Status <input type="checkbox"/> Married <input checked="" type="checkbox"/> Single <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced
03/08/1989		
7. Other Names Used (including maiden name)		
Yesica Magali Galvan		
8. Date and Place of Present Marriage (if married)		
N/A		
9. Social Security Number (if any)	10. Alien Registration Number	
11. Name(s) of Prior Husband(s)/Wife(s)	12. Date(s) Marriage(s) Ended	
N/A		

13. If you are a U.S. citizen, complete the following:

My citizenship was acquired through (check one):

☒ Birth in the U.S.

☐ Naturalization Give certificate number, date and place of issuance

☐ Parents Have you obtained a certificate of citizenship in your own name?

☐ Yes Give certificate number, date and place of issuance ☐ No

14a. If you are a lawful permanent resident alien, complete the following: Date and place of admission for, or adjustment to, lawful permanent residence and class of admission

14b. Did you gain permanent resident status through marriage to a United States citizen or lawful permanent resident?

Yes ☒ No13. Has your relative ever been in the U.S.? ☒ Yes ☐ No

14. If your relative is currently in the U.S., complete the following:

He or she last arrived as a: Paroled (visitor, student, stowaway, without inspection, etc.)

Arrival/Departure Record (I-94) Date arrived (Month/Day/Year)

824477840 10 03/12/2004

Date authorized stay expired, or will expire, as shown on Form I-94 or I-95 03/12/2004

15. Name and address of present employer (if any)

N/A

Date this employment began (Month/Day/Year)

16. Has your relative ever been under immigration proceedings?

☐ No ☒ Yes Where El Paso When _____
☐ Removal ☒ Exclusion/Deportation ☐ Recission ☐ Judicial Proceedings

 INITIAL RECEIPT _____ RESUBMITTED _____ RELOCATED Received _____ Sent _____ COMPLETED Approved _____ Denied _____ Filed _____
 Form I-130 (Rev. 06/03/00)

C. Information about your relative (continued)**17. List husband/wife and all children of your relative.**

(Name)	(Relationship)	(Date of Birth)	(Country of Birth)
N/A			

18. Address in the United States where your relative intends to live.

(Street Address)	(Town or City)	(State)
770 Martha Gale	El Paso	Texas

19. Your relative's address abroad (Include street, city, province and country)

Address	City	Country	Phone Number (if any)
Egido Emiliano Zapata Numero Conocido	Burgos Tamaulipas	Mexico	None

20. If your relative's native alphabet is other than Roman letters, write his or her name and foreign address in the native alphabet.

(Name)	Address (Include street, city, province and country):

21. If filing for your husband/wife, give last address at which you lived together. (Include street, city, province, if any, and country).

From:	To:
(Month) (Year)	(Month) (Year)
N/A	

22. Complete the information below if your relative is in the United States and will apply for adjustment of status

Your relative is in the United States and will apply for adjustment of status to that of a lawful permanent resident in the office of the Immigration and Naturalization Service in El Paso Texas. If your relative is not eligible for adjustment of status, he or she will apply for a visa abroad at the American consular post in Cd. Juárez Mexico.

(City) (State) (City) (Country)

NOTE: Designation of an American embassy or consulate outside the country of your relative's last residence does not guarantee acceptance for processing by that post. Acceptance is at the discretion of the designated embassy or consulate.

D. Other information**1. If separate petitions are also being submitted for other relatives, give names of each and relationship.**

Aleman, Azucena and Saida/ Sisters

2. Have you ever filed a petition for this or any other alien before?

☒ Yes ☐ No

If "Yes", give name, place and date of filing and result.

Isabel Alcala de Aleman/Dallas TX in 1986 Granted

WARNING: INS investigates claimed relationships and verifies the validity of documents. INS seeks criminal prosecutions when family relationships are falsified to obtain visas.

PENALTIES: By law, you may be imprisoned for not more than five years or fined \$250,000, or both, for entering into a marriage contract for the purpose of evading any provision of the immigration laws. In addition, you may be fined up to \$10,000 or imprisoned up to five years, or both, for knowingly and willfully falsifying or concealing a material fact or using any false document in submitting this petition.

YOUR CERTIFICATION: I certify, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Furthermore, I authorize the release of any information from my records which the Immigration and Naturalization Service needs to determine eligibility for the benefit that I am seeking.

E. Signature of petitioner.

Isabel Aleman

Date 07/02/04

Phone Number 915-873-7264

F. Signature of person preparing this form, if other than the petitioner.

I declare that I prepared this document at the request of the person above and that it is based on information of which I have any knowledge.

Patricia B. Chew and Associates., P.C.

Print Name

5959 Gateway West suite 440 El Paso, TX 79925

Signature

Date

07/02/04

Address

(G-28 ID or VOLAC Number, if any)

04189450

Form I-130 (Rev. 05-02) Page 2

EXHIBIT

“F”

THE UNITED STATES OF AMERICA

RECEIPT NUMBER SRC 04 194-51704		CASE TYPE I130 IMMIGRANT PETITION FOR RELATIVE, FIANCE(E), OR ORPHAN	
RECEIVED DATE July 7, 2004	PRIORITY DATE	PETITIONER ALEMAN JR, NORA	
NOTICE DATE July 8, 2004	PAGE 1 of 1	BENEFICIARY ALEMAN, AZUCENA	
PATRICIA B. CHEW PATRICIA B CHEW & ASSOC P C 5959 GATEWAY W STE 440 EL PASO TX 79925		Notice Type: Receipt Notice Amount received: \$ 185.00 Section: Unmarried child (under age 21) of U.S. Citizen, 201(b) INA	

The above application or petition has been received. It usually takes 550 to 625 days from the date of this receipt for us to process this type of case. Please notify us immediately if any of the above information is incorrect.

We will send you a written notice as soon as we make a decision on this case. You can also use the phone number (800) 375-5283 to obtain case status information direct from our automated system 24 hours a day with a touch tone phone and the receipt number for this case (at the top of this notice).

If you have other questions about possible immigration benefits and services, filing information, or immigration and Naturalization Service forms, please call the INS National Customer Service Center (NCSC) at 1-800-375-5283. If a hearing is required, please call our TPO at 1-800-767-1833.

You can also visit the INS on the internet at www.dhs.gov. On our web site you can get-up to date case status information on your case and find valuable information about immigration services and benefits.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE

TEXAS SERVICE CENTER

P O BOX 851488 - DEPT A

MESQUITE TX 75185-1488

Customer Service Telephone: (800) 375-5283



Form I-797 (Rev. 11/2003) X

U.S. Citizenship and Immigration Service

I-797, Notice of Action

THE UNITED STATES OF AMERICA

RECEIPT NUMBER SPC-04-194-51728		CASE TYPE I130 IMMIGRANT PETITION FOR RELATIVE, FIANCE(E), OR ORPHAN
RECEIVED DATE July 7, 2004	PRIORITY DATE	PETITIONER ALEMAN JR, NOE
NOTICE DATE July 8, 2004	PAGE 1 of 1	BENEFICIARY ALEMAN, JESSICA A.
PATRICIA B. CHEW PATRICIA B CHEW & ASSOC P C 5959 GATEWAY W STE 440 EL PASO TX 79925		Notice Type: Receipt Notice Amount received: \$ 185.00 Section: Unmarried child (under age 21) of U.S. Citizen, 201(b) INA

The above application or petition has been received. It usually takes 650 to 625 days from the date of this receipt for us to process this type of case. Please notify us immediately if any of the above information is incorrect.

We will send you a written notice as soon as we make a decision on this case. You can also use the phone number (800) 375-5283 to obtain case status information direct from our automated system 24 hours a day with a touch tone phone and the receipt number for this case (at the top of this notice).

If you have other questions about possible immigration benefits and services, filing information, or immigration and naturalization Service forms, please call the INS National Customer Service Center (NCSC) at 1-800-375-5283. If you are hearing impaired, please call our TDD at 1-800-767-1833.

You can also visit the INS on the internet at www.ins.gov. On our web site you can get up-to-date case status information on your case and find valuable information about immigration services and benefits.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

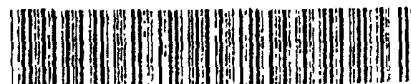
IMMIGRATION & NATURALIZATION SERVICE

NATIONAL SERVICE CENTER

P.O. Box 400985 - DEPT A

ATLANTA, TX 75125 1400

Customer Service Telephone: (800) 375-5283



EXHIBIT

“G”

R 57859406

IN THE DISTRICT COURT OF EL PASO COUNTY, TEXAS

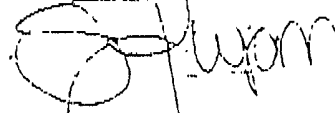
386TH JUDICIAL DISTRICT

ADOPTION

IN THE INTEREST OF
 SIADA ANABEL GALVAN,
 MAGALI GALVAN, AND
 LUBIA GALVAN
 MINOR CHILDREN

§
 §
 §
 §
 §

CAUSE NO. 2004CM012



ORDER TERMINATING PARENTAL RIGHTS AND
 GRANTING ADOPTION OF CHILDREN

1 *Date of Hearing*

On the 23rd day of April, 2004 the Court heard this case.

2 *Appearances*

Petitioner, NOE ALEMAN, JR., appeared in person and through attorney of record LYDA A. NESS, and announced ready for trial

Petitioner, ISABEL ALEMAN, appeared in person and through attorney of record LYDA A. NESS, and announced ready for trial

Respondent, JUANA ALCALA, waived issuance and service of citation by waiver duly filed and did not otherwise appear. Respondent, JUANA ALCALA, also executed an affidavit of relinquishment of parental rights as provided for by chapter 161 of the Texas Family Code

Respondent, ESTEBAN GALVAN CASANOVA, is deceased

Also appearing was SUSAN STOWE, appointed by the Court as Guardian Ad Litem of the children the subject of this suit

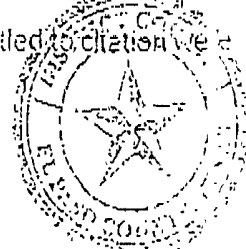
SIADA ANABEL GALVAN, MAGALI GALVAN and LUBIA GALVAN attended the hearing

Other individuals not appearing were

Name WALTER DEINES, Court Order Investigator.

3 *Jurisdiction*

The Court, after examining the record and hearing the evidence and argument of counsel, finds that it has jurisdiction of this case and of all the parties and that no other court has continuing, exclusive jurisdiction of this case. All persons entitled to citation were properly cited



ORDER TERMINATING PARENTAL RIGHTS AND
 GRANTING ADOPTION OF CHILDREN

12 5/8 7406

4 *Jury*

A jury was waived, and all questions of fact and of law were submitted to the Court.

5 *Record*

The record of testimony was duly reported by the court reporter for the 338th

Judicial District Court

6 *Children*

The Court finds that the following children are the subject of this suit

Name: SIADA ANABEL GALVAN

Sex: Female

Birth date: August 9, 1986

Name: MAGALI GALVAN

Sex: Female

Birth date: March 8, 1989

Name: LUBIA GALVAN

Sex: Female

Birth date: May 26, 1990

7. *Termination*a. Presumed Father

The Court finds Petitioners have submitted the death certificate of ESTEBAN GALVAN CASANOVA and that the biological father of the minor children, the subjects of this suit, is deceased

b. Mother

The Court finds by clear and convincing evidence that JUANA ALCALA has-

- a. executed an unrevoked or irrevocable affidavit of relinquishment of parental rights as provided for by chapter 161 of the Texas Family Code.

The Court also finds by clear and convincing evidence that termination of the parent-child relationship between JUANA ALCALA and the children the subject of this suit is in the best interest of the children.

IT IS THEREFORE ORDERED that the parent-child relationship between JUANA ALCALA and the children the subject of this suit is terminated.

8 *Adoption*

Then the Court proceeded to consider the application of NOE ALEMAN, JR. and ISABEL ALEMAN to adopt the children the subject of this suit.

9 *Residence with Petitioners*

ORDER TERMINATING PARENTAL RIGHTS AND
GRANTING ADOPTION OF CHILDREN



R 57859406

The Court finds that the children have lived in the home of Petitioners for at least six months.

10. *Home Screening and Postplacement Report*

The Court finds that the required preadoptive home screening and postplacement report have been made and are on file.

11. *Health, Social, Educational, and Genetic History Report*

The Court finds that the preparation and filing of the health, social, educational, and genetic history report concerning the children is not required by section 162.005 of the Texas Family Code.

12. *Criminal History Record Information*

The Court finds that the criminal history record information required for NOE ALEMAN, JR. and ISABEL ALEMAN are on file in the record of this case.

13. *Consent*

The Court finds that it is in the best interest of the children to be adopted who are twelve years of age or older to waive the requirement of the children's consent.

14. *Adoption Granted*

The Court finds that all prerequisites and requirements for adoption have been met and that the adoption is in the best interests of the children. IT IS ORDERED that the adoption of the children the subject of this suit by NOE ALEMAN, JR. and ISABEL ALEMAN is GRANTED and that the parent-child relationship is created between the children, NOE ALEMAN, JR. and ISABEL ALEMAN for all purposes.

IT IS FURTHER ORDERED that the name of the child SIADA GALVAN is changed to SIADA ALCALA ALEMAN.

IT IS FURTHER ORDERED that the name of the child MAGALI GALVAN is changed to JESSICA ALCALA ALEMAN.

IT IS FURTHER ORDERED that the name of the child LUBIA GALVAN is changed to AZUCENA ALCALA ALEMAN.

15. *Attorney's Fees, Expenses, and Costs*

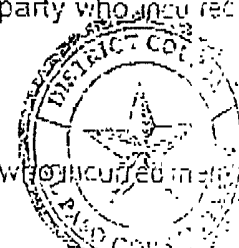
IT IS ORDERED that attorney's fees are to be borne by the party who incurred them.

16. *Costs*

IT IS ORDERED that costs of court are to be borne by the party who incurred them.

17. *Report Transmitted; File Sealed*

ORDER TERMINATING PARENTAL RIGHTS AND
GRANTING ADOPTION OF CHILDREN



12-57859406

IT IS FURTHER ORDERED that the clerk of this Court shall, after entry of final orders in this case, transmit to the Bureau of Vital Statistics at Austin, Texas, a certified report of adoption in accordance with section 108.003 of the Texas Family Code. All papers and records in this case, including the minutes of the Court, are ordered sealed.

18. Relief Not Granted


IT IS ORDERED that all relief requested in this case and not expressly granted is denied.

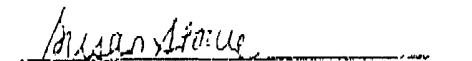
SIGNED on 4 May, 2004.


JUDGE PRESIDING

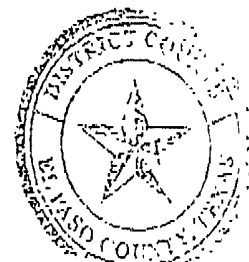
APPROVED AS TO FORM ONLY:

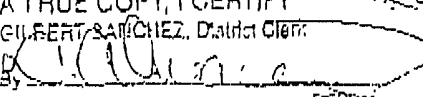
LAW OFFICE OF LYDA A. NESS
609 Myrtle Avenue, Suite 102
El Paso, Texas 79901
Tel: (915) 351-2171
Fax: (915) 351-4053

By 
LYDA A. NESS
State Bar No. 90001279
Attorney for Petitioners


SUSAN STOWE, Guardian Ad Litem

Attorney Ad Litem for ESTEBAN GALVAN CASANOVA
State Bar No. 



A TRUE COPY, I CERTIFY
GUILLERMO SANCHEZ, District Clerk
ORDER TERMINATING PARENTAL RIGHTS AND
GRANTING ADOPTION OF CHILDREN


EXHIBIT

“H”

Stanton & Antcliff

A Professional Corporation
Attorneys at Law

521 Texas Avenue
El Paso, Texas 79901
Tel. (915) 532-1122
Fax. (915) 532-1123

Thomas E. Stanton
Christopher A. Antcliff

June 6, 2005

Ms. Carmen Guerrero

Fax to 532-4071

RE: Aleman Children

Dear Ms Guerrero:

You have asked me to send to you a letter addressing several matters relating to the adoption of the Aleman children and proceedings in State and Federal Court. I have these responses:

1. The children gave testimony to the Federal Grand Jury at which I was not present. I understand from interviewing them after the testimony that they were asked a number of questions designed to determine if they were the victims of molestation. The questioning was thorough and specific and at every point the girls denied molestation.
2. The children were in the home of a Lisa Pool for a period of time under an agreement worked out with the United States related to pretrial matters. Lisa Pool is a former Child Welfare investigator and caseworker and currently works at a private social service agency. She never detected any outcry from the girls related to any allegation of abuse. She would have quickly made a report to authorities if she had done so.
3. I am the court appointed attorney for the children in state court and also in Federal Court related to the grand jury and trial subpoenas of the girls. I observed the girls alone and with their adoptive father. The interaction was always appropriate. I am the Executive Director of the Children's Justice Center Foundation and considered an expert in child abuse and child welfare matters. I never detected any abuse of any kind from the adoptive father to the children.
4. Under Texas law, the adoption of the children is final, and valid. I know of no way to attack the adoption and I know of no legal or factual grounds to attack the adoption. The trial court that approved the adoption *was informed that there was a discrepancy in the birth certificates and the reported ages of the children through the testimony of*

the home study investigator. The children had an appointed attorney (a separate person prior to my involvement) at the hearing, and the court made inquiry of that attorney, the psychologist who performed the home study, and the attorney for the father. It cannot be said that the trial judge was misled by the father.

In summary, if any person believes that the children have been the victims of abuse, they have a legal duty to make a report to child welfare authorities. As far as I know, the immigration authorities are not exempt from the requirement to make a report in good faith based on information that a child may be subject to abuse or neglect. No such report has been made and there is not even an inference that these children have been abused.

Separately, the children's adoption is legally valid. The issues before the criminal jury in the prosecution of the father are not legal findings about the validity of the adoption. It is comparing apples and oranges.

Very truly yours,



Thomas E. Stanton

EXHIBIT

“I”

U. S. Department of Justice
Immigration and Naturalization Service

Notice to Appear

In removal proceedings under section 240 of the Immigration and Nationality Act

File No: A097 900 007

Case No: EPS0406000285

In the Matter of:

LUVIA

Respondent: Azucena ALCALA-Aleman AKA: GALVAN-ALCALA, LUVIA AZUCENA

currently residing at:

1750 PLUMED QUAIL
EL PASO TEXAS 79936

(Number, street, city state and ZIP code)

(915) 856-7368

(Area code and phone number)

- ☐ 1. You are an arriving alien.
- ☐ 2. You are an alien present in the United States who has not been admitted or paroled.
- ☒ 3. You have been admitted to the United States, but are deportable for the reasons stated below.

RECEIVED
DEPT OF JUSTICE
04 JUL 27 PM 1:28
EL PASO, TEXAS
IMMIGRATION COURT
EL PASO, TEXAS

The Service alleges that you:

- 1) You are not a citizen or national of the United States;
- 2) You are a native of MEXICO and a citizen of MEXICO;
- 3) You arrived in the United States at or near El Paso, Texas, on or about March 12, 2004;
- 4) You were admitted to the United States at El Paso, Texas on or about March 12, 2004 as a nonimmigrant/parolee with authorization to remain in the United States for a temporary period not to exceed 24 hours;
- 5) You remained in the United States beyond the 24 hours without authorization from the Immigration and Naturalization Service.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

Section 237(a)(1)(B) of the Immigration and Nationality Act (Act), as amended, in that after admission as a nonimmigrant under Section 101(a)(15) of the Act, you have remained in the United States for a time longer than permitted, in violation of this Act or any other law of the United States.

☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8 CFR 208.30(f)(2) ☐ 8 CFR 235.3(h)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at
700 E. SAN ANTONIO SUITE 675, EL PASO, TEXAS 79901

(Complete Address of Immigration Court, Including Room Number, if any)

On a date to be set at a time to be set to show why you should not be removed from the United States based on the charge(s) set forth above

RANDALL R. STOK
ACTING PATROL AGENT IN CHARGE
(Signature and Title of Issuing Officer)

Date: June 30, 2004

El Paso, Texas

(City and State)

This Notice to Appear supersedes the Notice to Appear issued on June 15, 2004.
See reverse for important information

Form I-862 (rev. 3/22/99)N

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are under removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 3.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this Notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents which you desire to have considered in connection with your case. If any document is in a foreign language, you must bring the original and a certified English translation of the document. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing.

At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear and that you are inadmissible or deportable on the charges contained in the Notice to Appear. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge.

You will be advised by the immigration judge before whom you appear, of any relief from removal for which you may appear eligible including the privilege of departing voluntarily. You will be given a reasonable opportunity to make any such application to the immigration judge.

Failure to appear: You are required to provide the INS, in writing, with your full mailing address and telephone number. You must notify the Immigration Court immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the INS.

Request for Prompt Hearing

To expedite a determination in my case, I request an immediate hearing. I waive my right to have a 10-day period prior to appearing before an immigration judge.



(Signature of Respondent)

Before:



(Signature and Title of INS Officer)

Date: 6/30/04

Certificate of Service

This Notice to Appear was served on the respondent by me on June 30, 2004 in the following manner and in compliance with section 239(a)(1)(F) of the Act:

(Date)

- ☒ in person ☐ by certified mail, return receipt requested ☐ by regular mail
- ☐ Attached is a credible fear worksheet.
- ☐ Attached is a list of organizations and attorneys which provide free legal services.

The alien was provided oral notice in the Spanish language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.



(Signature of Respondent if Personally Served)

SILVIA MURILLO
SENIOR PATROL AGENT

(Signature and Title of Officer)

U.S. Department of Justice
Immigration and Naturalization Service**Additional Charges of Inadmissibility/Deportability**In: ☐ Removal proceedings under section 240 of the Immigration and Nationality Act☐ Deportation proceedings commenced prior to April 1, 1997 under former section 241 of the Immigration and Nationality Act

In the Matter of:

15 years old

Alien/Respondent: Azucena Alcalá-Aleman, AKA: Galvan-Alcala, Luvia AzucenaFile No: A97 900 007Address: P.O. Box 880, Las Cruces, New Mexico 88004

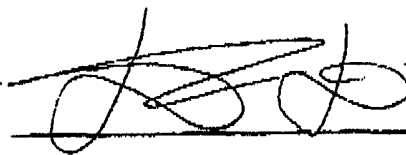
There is/are hereby lodged against you the additional charge(s) that you are subject to being taken into custody and deported or removed from the United States pursuant to the following provision(s) of law:

STRIKE CHARGE UNDER 237(a)(1)(B)

Section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act, as amended, as an immigrant who at the time of application for admission, is not in possession of a valid unexpired visa, reentry permit, border crossing identification card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document.

YOU ARE AN ARRIVING ALIENIn support of the additional charge(s) there is submitted the following factual allegation(s) ☐ in addition to ☐ **STRIKE ALLEGATIONS 3, 4 AND 5** set forth in the original charging document:

3. You are an arriving alien.
4. You applied for admission into the United States on or about March 12, 2004 at or near the Paso del Norte Port of Entry in El Paso, Texas.
5. At that time you were paroled into the United States with authorization to remain in the United States for a temporary period not to exceed 24-hours.
6. You are an immigrant not in possession of a valid unexpired visa, reentry permit, border crossing identification card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document.

Dated: 6/6/05

(Signature of Service Attorney)

Form I-261 (Rev. 4/1/97)N

U. S. Department of Justice
Immigration and Naturalization Service

Notice to Appear

In removal proceedings under section 240 of the Immigration and Nationality Act

File No: A097 900 005

Case No: EP80406000285

In the Matter of:

Respondent: Jessica ALCALA-Alcala AKA: GALVAN-Alcala, YESICA MAGALI currently residing at:

1750 PLUMED QUAIL
EL PASO TEXAS 79936

(915) 856-7368

(Number, street, city state and ZIP code)

(Area code and phone number)

- ☐ 1. You are an arriving alien.
- ☐ 2. You are an alien present in the United States who has not been admitted or paroled.
- ☒ 3. You have been admitted to the United States, but are deportable for the reasons stated below.

The Service alleges that you:

- 1) You are not a citizen or national of the United States;
- 2) You are a native of MEXICO and a citizen of MEXICO;
- 3) You were admitted to the United States at El Paso, Texas on or about March 12, 2004 as a nonimmigrant with authorization to remain in the United States for a temporary period not to exceed 1 (One) day;
- 4) You remained in the United States beyond the 1 (One) day without authorization from the Immigration and Naturalization Service.

RECEIVED
U.S. DEPT. OF JUSTICE
04 JUL 27 PM 12:28
EL PASO, TEXAS
IMMIGRATION COURT
EL PASO, TEXAS

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

Section 237(a)(1)(B) of the Immigration and Nationality Act (Act), as amended, in that after admission as a nonimmigrant under Section 101(a)(15) of the Act, you have remained in the United States for a time longer than permitted, in violation of this Act or any other law of the United States.

- ☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- ☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8 CFR 208.30(i)(2) ☐ 8 CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at: 700 E. SAN ANTONIO SUITE 675, EL PASO, TEXAS 79901

(Complete Address of Immigration Court, including Room Number, if any)

on a date to be set at a time to be set to show why you should not be removed from the United States based on the charge(s) set forth above.

RANDALL R. STOKY
ACTING PATROL AGENT IN CHARGE

(Signature and Title of Issuing Officer)

Date: June 30, 2004

El Paso, Texas

(City and State)

This Notice to Appear supersedes the Notice to Appear issued on June 15, 2004.
See reverse for important information

Form I-862 (Rev. 3/22/99)N

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Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are under removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 3.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this Notice.

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At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear and that you are inadmissible or deportable on the charges contained in the Notice to Appear. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge.

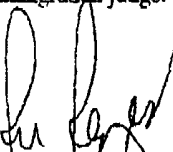
You will be advised by the immigration judge before whom you appear, of any relief from removal for which you may appear eligible including the privilege of departing voluntarily. You will be given a reasonable opportunity to make any such application to the immigration judge.

Failure to appear: You are required to provide the INS, in writing, with your full mailing address and telephone number. You must notify the Immigration Court immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the INS.

Request for Prompt Hearing

To expedite a determination in my case, I request an immediate hearing. I waive my right to have a 10-day period prior to a hearing before an immigration judge.

Before:


(Signature and Title of INS Officer)

Jessica Alcala Aleman
(Signature of Respondent)

Date: 30/06/04

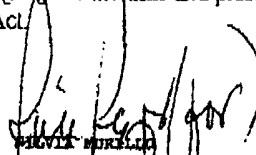
Certificate of Service

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- ☒ in person ☐ by certified mail, return receipt requested ☐ by regular mail
☐ Attached is a credible fear worksheet.
☐ Attached is a list of organizations and attorneys which provide free legal services.

The alien was provided oral notice in the Spanish language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

Jessica Alcala Aleman
(Signature of Respondent if Personally Served)


 MARIA MORALES
 SENIOR PATROL AGENT
 (Signature and Title of Officer)

U.S. Department of Justice
Immigration and Naturalization Service

Additional Charges of Inadmissibility/Deportability

In: ☐ Removal proceedings under section 240 of the Immigration and Nationality Act

☐ Deportation proceedings commenced prior to April 1, 1997 under former section 241 of the Immigration and Nationality Act

In the Matter of:

Alien/Respondent: Jessica Alcala-Aleman, AKA: Galvan-Alcala, Yesica Magali

File No: A97 900 005

Address: P.O. Box 880, Las Cruces, New Mexico 88004

16 years old

There is/are hereby lodged against you the additional charge(s) that you are subject to being taken into custody and deported or removed from the United States pursuant to the following provision(s) of law:

STRIKE CHARGE UNDER 237(a)(1)(B)

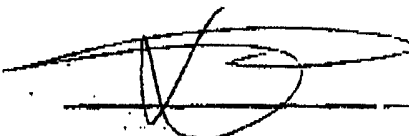
Section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act, as amended, as an immigrant who at the time of application for admission, is not in possession of a valid unexpired visa, reentry permit, border crossing identification card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document.

YOU ARE AN ARRIVING ALIEN

In support of the additional charge(s) there is submitted the following factual allegation(s) ☐ in addition to ☐ **STRIKE ALLEGATIONS 3, 4 AND 5** set forth in the original charging document:

3. You are an arriving alien.
4. You applied for admission into the United States on or about March 12, 2004 at or near the Paso del Norte Port of Entry in El Paso, Texas.
5. At that time you were paroled into the United States with authorization to remain in the United States for a temporary period not to exceed 24-hours.
6. You are an immigrant not in possession of a valid unexpired visa, reentry permit, border crossing identification card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document.

Dated: 6/6/05



(Signature of Service Attorney)

Form I-566 (Rev. 11/07/04)

EXHIBIT

“J”

JUVENILE

IMMIGRATION COURT
700 E. SAN ANTONIO, SUITE 675
EL PASO, TX 79901

In the Matter of

Case No.: A97-900-007

ALCALA-ALEMAN, AZUCENA

Respondent

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on Jun 20, 2005.

This memorandum is solely for the convenience of the parties. If the proceedings should be appealed or reopened, the oral decision will become the official opinion in the case.

- ☒ The respondent was ordered removed from the United States to MEXICO or in the alternative to
- ☐ Respondent's application for voluntary departure was denied and respondent was ordered removed to MEXICO or in the alternative to
- ☐ Respondent's application for voluntary departure was granted until upon posting a bond in the amount of \$ _____ with an alternate order of removal to MEXICO.

Respondent's application for:

- ☐ Asylum was () granted () denied () withdrawn
- ☐ Withholding of removal was () granted () denied () withdrawn
- ☐ A Waiver under Section ____ was () granted () denied () withdrawn
- ☐ Cancellation under Section 240A(a) was () granted () denied () withdrawn

Respondent's application for:

- ☐ Cancellation under Section 240A(b)(1) was () granted () denied () withdrawn. If granted it is ordered that the respondent be issued all appropriated documents necessary to give effect to this order.
- ☐ Cancellation under Section 240A(b)(2) was () granted () denied () withdrawn. If granted it is ordered that the respondent be issued all appropriated documents necessary to give effect to this order.
- ☐ Adjustment of Status under Section ____ was () granted () denied () withdrawn. If granted it is ordered that the respondent be issued all appropriated documents necessary to give effect to this order.
- ☐ Respondent's application of () withholding of removal () deferral of removal under Article III of the Convention Against Torture was () granted () denied () withdrawn.
- ☐ Respondent's status was rescinded under section 246.
- ☐ Respondent is admitted to the United States as a _____ until _____.
- ☐ As a condition of admission, respondent is to post a \$ _____ bond.
- ☐ Respondent knowingly filed a frivolous asylum application after proper notice.
- ☐ Respondent was advised of the limitation on discretionary relief for failure to appear as ordered in the Immigration Judge's oral decision.
- ☐ Proceedings were terminated.
- ☐ Other: *Motion to Revoke Denied by Court*

Date: Jun 20, 2005

Thomas C. Roepke
THOMAS C. ROEPKE
Immigration Judge

NAG

JUVENILE

IMMIGRATION COURT
700 E. SAN ANTONIO, SUITE 675
EL PASO, TX 79901

In the Matter of

Case No.: A97-900-005

ALCALA-ALKMAN, JESSICA

Respondent

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on Jun 20, 2005.

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- ☐ Respondent's application for voluntary departure was denied and respondent was ordered removed to MEXICO or in the alternative to
- ☐ Respondent's application for voluntary departure was granted until upon posting a bond in the amount of \$ _____ with an alternate order of removal to MEXICO.

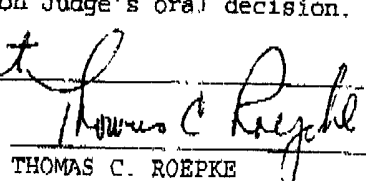
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- ☐ As a condition of admission, respondent is to post a \$ _____ bond.
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- ☐ Respondent was advised of the limitation on discretionary relief for failure to appear as ordered in the Immigration Judge's oral decision.
- ☐ Proceedings were terminated.
- ☒ Other: Motion to Revoke Denied by Court

Date: Jun 20, 2005


THOMAS C. ROEPKE
Immigration Judge

AG

EXHIBIT

“K”

6. State in detail the reason(s) for this appeal. Please refer to the Instructions at part F for further guidance. You are not limited to the space provided below; use more sheets of paper if necessary. Write your name(s) and "A" number(s) on every sheet.

The Immigration Judge erred in not recusing himself when requested to do so by Applicant's counsel. The Judge would not recuse himself because he said he had no knowledge about a criminal case that the Applicant's father had pending before the United States Western District Court of Texas. The Judge was an Assistant United States Attorney in El Paso, TX prior to joining the Executive Office of Immigration Review (EOIR) as an Immigration Judge. The Applicants' father had been indicted during the time that the EOIR Judge was still an Assistant United States Attorney. The indictment relates directly to the issues that were before the Immigration Court. The Assistant United States Attorney Brandy Gardes prosecuted the Applicants' father in the United States Western District Court. The Immigration Judge had worked more than ten years with Assistant United States Attorney prosecuting similar cases. During Applicants' Immigration proceedings, Assistant United States Attorney Brandy Gardes attended the two last master hearings without being subpoenaed by Applicant's attorney or the Department of Homeland Security. The only other person who could have informed Ms. Gardes of the hearing was the Immigration Judge who had previously told Applicants' attorney to speak to Ms. Gardes. Applicant's legal representative made an oral motion on two occasions requesting that the Immigration Judge recuse himself because of a potential conflict of interest. On both occasions the Immigration Judge denied Applicants' legal representative's request stating that he was not aware of the facts of the case, yet the Immigration Judge stated the facts during the proceedings.

(Attach additional sheets if necessary)

! **WARNING:** You must clearly explain the specific facts and law on which you base your appeal of the Immigration Judge's decision. The Board may summarily dismiss your appeal if it cannot tell from this Notice of Appeal, or any statements attached to this Notice of Appeal, why you are appealing.

7. Do you desire oral argument before the Board of Immigration Appeals? ☐ Yes ☒ No
8. Do you intend to file a separate written brief or statement after filing this Notice of Appeal? ☒ Yes ☐ No

! **WARNING:** If you mark "Yes" in item #8, you will be expected to file a written brief or statement after you receive a briefing schedule from the Board. The Board may summarily dismiss your appeal if you do not file a brief or statement within the time set in the briefing schedule.

9.



X

[Handwritten Signature]
Signature of Person Appealing
(or attorney or representative)

7/11/06
Date

Form EOIR-26
Revised Sept. 2002

Addendum to Notice of Appeal from a Decision of an Immigration Judge

ALEMAN-ALCALA, Azucena A 97-900-005

ALEMAN-ALCALA, Jessica A 97-900-007

As stated in *Schweiker v. McClure*, 456 U.S. 188, 195 (1982), as a constitutional matter, the court has long recognized that the combining of the role of prosecutor and adjudicator in a single entity is a recipe for fundamentally unfair and erroneous decision-making. Therefore the Immigration Judge should have recused himself from hearing the Applicants' case.

The judge abused his discretion when he refused to allow the applicant's to withdraw their Application for Admission. As arriving aliens, the Applicants should have been allowed to withdraw their application for admission, so in order to allow them one day to legally enter the United States. Applicants are both minor children who have committed no crimes in the United States or anywhere in the world. The Applicants have no immediate family in Mexico. However, by the Immigration Judge ordering the Applicants removed they will be barred for ten years from entering the United States and rejoining their immediate family.

Applicants request that the Board remand the case back to the Immigration Court requesting that another Immigration Judge hear Applicant's Motion to Withdraw Application for Admission and Motion for Recusal.